

REMARKS

Responsive to the lack of unity determination, applicants provisionally elect Group I, claims 1-8 and 11-16 drawn to a method for anaerobic degradation comprising adding a combination of humic acids and an electron acceptor, with traverse.

The reasons for traverse follow:

Determination of the lack of unity is possible only when the claims of different groups lack a "special technical feature" relative to one another.

The position of the Official Action is that an electron acceptor is required by Group I, but not Group II. However, according to the present specification, sodium nitrate, which is required by Group II, is an electron acceptor. See, e.g., page 3, lines 10-12 in view of page 7, lines 17 and 18.

Thus, Groups I and II require an electron acceptor, and have a common special technical feature.

Moreover, PCT Rule 13.2 in Part 1b of the Annex B of the administrative instructions under the PCT, specifies that "special technical features" is defined as meaning those features that define the contribution which each of the inventions, considered as a whole, makes over the prior art. In other words, PCT Rule 13.2 is art-based and requires the citation of a publication showing the "special technical feature". Thus, absent any showing that the "special technical feature" is

present in the present prior art reference, no determination of lack of unity can properly be made. The Official Action offered no such reference.

Therefore, the lack of unity determination is improper, and withdrawal of the restriction requirement is respectfully requested.

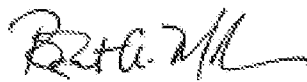
In view of the foregoing remarks, a favorable action on the merits of all pending claims is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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